

R315. Environmental Quality, Solid and Hazardous Waste.

R315-320. Waste Tire Transporter and Recycler Requirements.

R315-320-4. Waste Tire Transporter Requirements.

(1) Each waste tire transporter who transports waste tires within the state of Utah must apply for, receive and maintain a current waste tire transporter registration certificate from the Executive Secretary.

(2) Each applicant for registration as a waste tire transporter shall complete a waste tire transporter application form provided by the Executive Secretary and provide the following information:

- (a) business name;
- (b) address to include:
 - (i) mailing address; and
 - (ii) site address if different from mailing address;
- (c) telephone number;
- (d) list of vehicles used including the following:
 - (i) description of vehicle;
 - (ii) license number of vehicle;
 - (iii) vehicle identification number; and
- (iv) name of registered owner;
- (e) name of business owner;
- (f) name of business operator;
- (g) list of sites to which waste tires are to be transported;
- (h) liability insurance information as follows:
 - (i) name of company issuing policy;
 - (ii) amount of liability insurance coverage; and
 - (iii) term of policy
- (i) meet the requirements of R315-320-4(3)(b) and (c).

(3) A waste tire transporter shall:

(a) demonstrate financial responsibility for bodily injury and property damage, including bodily injury and property damage to third parties caused by sudden or nonsudden accidental occurrences arising from transporting waste tires. The waste tire transporter shall have and maintain liability coverage for sudden or nonsudden accidental occurrences in the amount of \$300,000;

(b) demonstrate to the Executive Secretary that all local requirements for a waste tire transporter have been met, including obtaining all necessary permits or approvals where required; and

(c) Demonstrate to the Executive Secretary that the waste tires transported by the transporter are taken to a registered waste tire recycler or that the waste tires are placed in a permitted waste tire storage facility that is in full compliance with the requirements of R315-314.

Change will allow the Executive Secretary to review local approvals prior to issuing a Registration and assure that the waste tires are taken to approved sites

(4) A waste tire transporter shall notify the Executive Secretary of:

(a) any change in liability insurance coverage within 5 working days of the change; and

(b) any other change in the information provided in Subsection R315-320-4(2) within 20 days of the change.

(5) A registration certificate will be issued to an applicant following the:

- (a) completion of the application required by Subsection R315-320-4(2);
- (b) presentation of proof of liability coverage as required by

Subsection R315-320-4(3); and

(c) payment of the fee as established by the Annual Appropriations Act.

(6) A waste tire transporter registration certificate is not transferable and shall be issued for the term of one year.

(7) If a waste tire transporter is required to be registered by a local government or a local health department:

(a) the waste tire transporter may be assessed an annual registration fee by the local government or the local health department not to exceed to the following schedule:

(i) for one through five trucks, \$50; and

(ii) \$10 for each additional truck;

(b) the Executive Secretary shall issue a non-transferable registration certificate upon the applicant meeting the requirements of Subsections R315-320-4(2) and (3) and shall not require the payment of the fee specified in Subsection R315-320-4(5)(c), if the fee allowed in Subsection R315-320-4(7)(a) is ~~assessed~~ paid; and

(c) the registration certificate shall be valid for one year.

(8) Waste tire transporters storing tires in piles must meet the requirements of Rule R315-314.

(9) Reporting Requirements.

(a) Each waste tire transporter shall submit a quarterly activity report to the Executive Secretary. The activity report shall be submitted on or before the 30th of the month following the end of each quarter.

(b) The activity report shall contain the following information:

(i) the number of waste tires collected at each waste tire generator, including the name, address, and telephone number of the waste tire generator;

(ii) the number of tires shall be listed by the type of tire based on the following:

(A) passenger/light truck tires or tires with a rim diameter of 19.5 inches or less;

(B) truck tires or tires ranging in size from 7.50x20 to 12R24.5; and

(C) other tires such as farm tractor, earth mover, motorcycle, golf cart, ATV, etc.

(iii) the number or tons of waste tires shipped to each waste tire recycler or processor for a waste tire recycler, including the name, address, and telephone number of each recycler or processor;

(iv) the number of tires shipped as used tires to be resold;

(v) the number of waste tires placed in a permitted waste tire storage facility; and

(vi) the number of tires disposed in a permitted landfill, or put to other legal use.

(c) The activity report may be submitted in electronic format.

(10) Revocation of Registration.

(a) The registration of a waste tire transporter may be revoked upon the Executive Secretary finding that:

(i) the activities of the waste tire transporter that are regulated under Section R315-320-4 have been or are being conducted in a way that endangers human health or the environment;

(ii) the waste tire transporter has made a material misstatement of fact in applying for or obtaining a registration as a waste tire transporter or in the quarterly activity report required by Subsection R315-320-4(9);

(iii) the waste tire transporter has provided a recycler with a material misstatement of fact which the recycler subsequently used as documentation in a request for partial reimbursement under Section 19-6-813;

(iv) the waste tire transporter has violated any provision of the Waste Tire Recycling Act, Title 19 Chapter 6, or any order, approval, or rule issued or adopted under the Act;

(v) the waste tire transporter failed to meet or no longer meets the requirements of Section R315-320-4;

(vi) the waste tire transporter has been convicted under Subsection 19-6-822; or

(vii) the waste tire transporter has had the registration from a local government or a local health department revoked.

(b) Registration will not be revoked for submittal of incomplete information required for registration or a reimbursement request if the error was not a material misstatement.

(c) For purposes of Subsection R315-320-4(10)(a), the statements, actions, or failure to act of a waste tire transporter shall include the statements, actions, or failure to act of any officer, director, agent or employee of the waste tire transporter.

(d) The administrative procedures set forth in Rule R315-12 shall govern revocation of registration.

R315-320-5. Waste Tire Recycler Requirements.

(1) Each waste tire recycler requesting the reimbursement allowed by Subsection 19-6-809(1), must apply for, receive, and maintain a current waste tire recycler registration certificate from the Executive Secretary.

(2) Each applicant for registration as a waste tire recycler shall complete a waste tire recycler application form provided by the Executive Secretary and provide the following information:

(a) business name;

(b) address to include:

(i) mailing address; and

(ii) site address if different from mailing address;

(c) telephone number;

(d) owner name;

(e) operator name;

(f) description of the recycling process;

(g) proof that the recycling process described in Subsection R315-320-5(2)(f) is being conducted at the site or that the recycler has the equipment in place and the ability to conduct the process at the site;

The above change is made to clarify that a waste tire recycler must have the necessary equipment in place and the ability to conduct the recycling process at the time of registration as a recycler.

(h) estimated number of tires to be recycled each year; and

(i) liability insurance information as follows:

(i) name of company issuing policy;

(ii) proof of the amount of liability insurance coverage; and

(iii) term of policy

(i) meet the requirements of R315-320-5(3)(b).

(3) A waste tire recycler shall:

(a) demonstrate financial responsibility for bodily injury and property damage, including bodily injury and property damage to third parties caused by sudden or nonsudden accidental occurrences arising from storing and recycling waste tires. The waste tire recycler shall have and maintain liability coverage for sudden or nonsudden accidental occurrences in the amount of \$300,000 and

(b) demonstrate to the Executive Secretary that all local requirements for a waste tire recycler have been met, including obtaining all necessary permits or approvals where required.

Change will allow the Executive Secretary to review local approvals prior to issuing a Registration

- (4) A waste tire recycler shall notify the Executive Secretary of:
 - (a) any change in liability insurance coverage within 5 working days of the change; and
 - (b) any other change in the information provided in Subsection R315-320-5(2) within 20 days of the change.
- (5) A registration certificate will be issued to an applicant following the:
 - (a) completion of the application required by Subsection R315-320-5(2);
 - (b) presentation of proof of liability coverage as required by Subsection R315-320-5(3); and
 - (c) payment of the fee as established by the Annual Appropriations Act.
- (6) A waste tire recycler registration certificate is not transferable and shall be issued for a term of one year.
- (7) If a waste tire recycler is required to be registered by a local government or a local health department:
 - (a) the waste tire recycler may be assessed an annual registration fee by the local government or local health department according to the following schedule:
 - (i) if up to 200 tons of waste tires are recycled per day, the fee shall not exceed \$300;
 - (ii) if 201 to 700 tons of waste tires are recycled per day, the fee shall not exceed \$400; or
 - (iii) if over 700 tons of waste tires are recycled per day, the fee shall not exceed \$500.
 - (b) The Executive Secretary shall issue a non-transferable registration certificate upon the applicant meeting the requirements of Subsections R315-320-5(2) and (3) and shall not require the payment of the fee specified in Subsection R315-320-5(5)(c), if the fee allowed by Subsection R315-320-5(7)(a) is ~~assessed~~ paid.
 - (c) The registration certificate shall be valid for one year.
- (8) Waste tire recyclers must meet the requirements of Rule R315-314 for waste tires stored in piles.
- (9) Revocation of Registration.
 - (a) The registration of a waste tire recycler may be revoked upon the Executive Secretary finding that:
 - (i) the activities of the waste tire recycler that are regulated under Section R315-320-5 have been or are being conducted in a way that endangers human health or the environment;
 - (ii) the waste tire recycler has made a material misstatement of fact in applying for or obtaining a registration as a waste tire recycler;
 - (iii) the waste tire recycler has made a material misstatement of fact in applying for partial reimbursement under Section 19-6-813;
 - (iv) the waste tire recycler has violated any provision of the Waste Tire Recycling Act, Title 19 Chapter 6, or any order, approval, or rule issued or adopted under the Act;
 - (v) the waste tire recycler has failed to meet or no longer meets the requirements of Subsection R315-320-5(1);
 - (vi) the waste tire recycler has been convicted under Subsection 19-6-822; or
 - (vii) the waste tire recycler has had the registration from a local government or a local health department revoked.
 - (b) Registration will not be revoked for submittal of incomplete information required for registration or a reimbursement request if the error was not a material misstatement.
 - (c) For purposes of Subsection R315-320-5(9)(a), the statements, action, or failure to act of a waste tire recycler shall include the statements, actions, or failure to act of any officer, director, agent, or employee of the waste tire recycler.
 - (d) The administrative procedures set forth in Rule R315-12 shall govern revocation of registration.

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